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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 CHRISTINA BALAN,

12 Plaintiff,

13 v.

14 TESLA MOTORS INC.,

15 Defendant.

16 CASE NO. C19-67 MJP

17 ORDER CLOSING CASE

18 This matter comes before the Court upon the Mandate of the Ninth Circuit Court of
19 Appeals. (Dkt. No. 72.) On January 15, 2019, Plaintiff Christina Balan filed a single defamation
20 claim against Defendant, Tesla Motors, Inc. (Dkt. No. 1.) On April 18, 2019, Tesla filed a
21 Motion to Compel Arbitration, arguing that each of the allegedly defamatory statements arose
22 from or related to Ms. Balan’s employment and her claim was therefore subject to the arbitration
23 agreement (the “Agreement”) in her employment contract. (Dkt. No. 17.)

24 In ruling on Tesla’s Motion to Compel Arbitration, the Court struck the confidentiality
25 clause in the Agreement as unconscionable, and found that while several of the allegedly

1 defamatory statements fell within the Agreement, the remaining three statements accused
2 Plaintiff of outlandish and criminal conduct that had nothing to do with her employment, and
3 therefore fell outside the scope of the Agreement. (Dkt. No. 40 at 9.)

4 Tesla appealed the Court's decision, and in an unpublished memorandum, the Ninth
5 Circuit concluded that the three allegedly defamatory statements the Court found were not
6 subject to the arbitration agreement "require[d] at least some understanding of Balan's
7 employment." (Dkt. No. 70 at 4.) The Ninth Circuit therefore reversed and remanded the
8 Court's Order. (Id. at 5; Dkt. No. 72.)

9 In light of the Ninth Circuit's decision, the entirety of Ms. Balan's defamation claim is
10 subject to the Agreement. The Court therefore ORDERS this matter closed; all pending motions
11 shall be terminated.

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13 The clerk is ordered to provide copies of this order to Plaintiff and all counsel.

14 Dated April 22, 2021.

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19 Marsha J. Pechman
20 United States Senior District Judge
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